

## Article - Environment

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§7-239.3.

(a) A chemical warfare material that is a solid waste is a controlled hazardous substance.

(b) In addition to any other applicable requirements, the Department may not issue a permit for the construction, material alteration, or operation of a controlled hazardous substance facility to be used for the treatment by incineration of a chemical warfare material unless:

(1) The permit applicant demonstrates to the satisfaction of the Department prior to issuance of a controlled hazardous substance facility permit:

(i) That the proposed incinerator technology has consistently met all applicable federal and State performance standards in an operational facility comparable to the proposed facility for a period of time and under conditions acceptable to the Department;

(ii) That emissions and monitoring data from a comparable facility demonstrate compliance with State toxic air pollutant standards established under Title 2 of this article;

(iii) That a destruction and removal efficiency of 99.9999 percent is achievable for each chemical warfare material to be incinerated at the facility;

(iv) That the applicant has made adequate provision to support and fund the development of a plan that demonstrates the capability of removing, sheltering, and protecting persons from the largest area at risk from a worst-case release, as defined by the Department;

(v) That an emergency preparedness plan has been developed with adequate public participation that provides training, coordination, and equipment necessary for State and local emergency response personnel and community members to respond to a release of a chemical warfare material from the proposed facility; and

(vi) That the emergency preparedness plan has been presented at public meetings in each county potentially impacted by a worst-case release;

(2) The Department finds that the applicant has fully evaluated all reasonable alternative methods for treatment or disposal including transport to a less populated disposal site in order to create less risk of release or harm to the general public or the environment; and

(3) The local governing body of each county and municipal corporation included in the worst-case release has a reasonable opportunity to review and provide comment on the facility permit application and the emergency preparedness plan under paragraph (1)(v) of this subsection.

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